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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FAYTH SHAMARIAH JONES, DONALD
CONFERLETE CARNEY, AND JONTE
DEON SCOTT,

Defendants.

CASE NO. 2:20-CR-32-WBS

FINDINGS AND ORDER RE: EXCLUSION OF
TIME PERIODS UNDER SPEEDY TRIAL ACT

FINDINGS AND ORDER

This proposed findings and order memorializes the findings and order the Court made during the Status Conference on March 29, 2021. All appearances were made virtually; defendants have waivers of personal appearance on file. Ms. Jones made an appearance with her counsel, Mr. Jared Thompson. Mr. Carney made an appearance with his counsel, Ms. Christina Sinha and Mr. Jerome Price. Mr. Scott made an appearance with his counsel, Mr. John Garcia.

Counsel for Mr. Carney indicated that they would shortly be filing a motion to dismiss his case for Speedy Trial Act violation. The parties discussed a briefing schedule and it was determined that Mr. Carney would file his motion the same day as the hearing (March 29),¹ that the government would

¹ Mr. Carney's motion was in fact filed on March 29, 2021. Dkt. 79.

1 respond within seven days (April 5), that Mr. Carney could file an optional reply three days later (April
2 8), and the parties would appear before the Court to argue the motion on April 12. Counsel for Mr.
3 Carney agreed that, given the filing of the motion, time would be excluded between March 29 and April
4 12 pursuant to 18 U.S.C. § 3161(h)(1)(D), which states that a “delay resulting from any pretrial motion,
5 from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of,
6 such motion” shall be excluded “in computing the time within which the trial of any such offense must
7 commence.”

8 Counsel for Mr. Scott indicated he may wish to join in that motion. Counsel for Ms. Jones
9 indicated he needed further time to prepare the case.

10 Given the motion, the Court set a status date of April 12, 2021. The Government moved to
11 exclude time under the Speedy Trial Act between March 29, 2021 and April 12, 2021 pursuant to 18
12 U.S.C. § 3161(h)(1)(D). No defendant objected.

13 The Court found an exclusion of time between March 29 and April 12, 2021, for all defendants,
14 given the filing of the motion. § 3161(h)(1)(D). As to Mr. Scott and Ms. Jones, there was also a basis to
15 exclude time pursuant to 18 U.S.C. § 3161(h)(6), which states that time shall be excluded for “[a]
16 reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time
17 for trial has not run and no motion for severance has been granted.” As Mr. Carney’s motion triggered
18 exclusion under § 3161(h)(1)(D) and no motion for severance has been granted, time is also excludable
19 under § 3161(h)(6) as to Mr. Scott and Ms. Jones.

20 The Court hereby finds that the filing of the motion on behalf of Mr. Carney triggers an
21 exclusion of time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(D) as to all defendants.

22 The Court further finds that there is a separate basis to exclude time as to Mr. Scott and Ms.
23 Jones pursuant to 18 U.S.C. § 3161(h)(6).

24 Time is hereby excluded under the Speedy Trial Act between March 29, 2021 and April 12,
25 2021, inclusive.

26 Dated: March 30, 2021



27 WILLIAM B. SHUBB
28 UNITED STATES DISTRICT JUDGE